

REMARKS

Claims 12, 14, 18-21, and 25-32 were pending in the present application. Claims 29 and 30 have been canceled herein without prejudice to their presentation in another application. New claims 33-36 have been added herein, support for which can be found at, for example, present claims 14 and 21 as well as page 4, lines 10 to 18, page 4, line 26 to page 5, line 2, and page 8, lines 23 and 24. No new matter has been added. Upon entry of the present amendment, claims 12, 14, 18-21, and 25-28, and 31-36 will be pending.

As a preliminary matter, Applicants thank the Examiner for indicating that claims 12 and 28 are allowed.

Applicants have amended claims 19 and 26 as suggested by the Examiner to incorporate the elements of their rejected base claims. Thus, claims 19 and 26 are also in condition for allowance.

I. The Claimed Invention Is Novel**A. The Vinson Reference**

Claims 29 and 30 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,063,620 (hereinafter, the “Vinson reference”). Applicants have canceled claims 29 and 30 without prejudice to their presentation in another application, thus rendering the present rejection moot.

B. The Burmer Reference

Claims 14, 18, 20, 21, 25, 27, and 29-32 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by WO 02/061087 (hereinafter, the “Burmer reference”). Claims 29 and 30 have been canceled herein. Applicants respectfully request reconsideration of the present rejection as applied to claims 14, 18, 20, 21, 25, 27, 31, and 32.

The standard for anticipation under §102(b) is one of strict identity. An anticipation rejection requires a showing that each limitation of a claim be found in a single reference. *Atlas Powder Co. v. E.I. DuPont de Nemours & Co.*, 224 USPQ 409, 411 (Fed. Cir. 1984). The Burmer reference does not provide an enabling disclosure of a method of treating cancer as claimed in claim 14 or a method of treating a disease or condition associated with vascular

smooth muscle cell proliferation as claimed in claim 21. Rather, the Burmer reference reports a large number of sequences and purportedly explains how to raise antibodies against such sequences. The Burmer reference, however, does not actually teach the production of any antibodies, let alone demonstrate the use of any antibodies to treat any diseases. In fact, the Burmer reference simply reports a large number of sequences and a long list of diseases which antibodies raised against the sequences allegedly could be used to treat. Indeed, the Burmer reference does not provide any evidence that confirms that this could be done. Thus, one skilled in the art following the specific teachings of the Burmer reference would not be able to replicate Applicants' claimed methods.

The Burmer reference also does not anticipate Applicants' new claims 33-36 because the reference does not disclose a method of treating cancer comprising an antibody that binds to a peptide consisting of the sequence of SEQ ID NO:1 or the sequence of SEQ ID NO:2 or a conservative substitution of either.

Thus, the Burmer reference does not teach or suggest Applicants' claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicants' undersigned representative at 610.640.7859 if there are any questions regarding Applicants' claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

/Paul K. Legaard, Reg.# 38534/

Paul K. Legaard, Ph.D.

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Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

Telephone: 610.640.7859
Facsimile: 267.430.7647